

2. THE TxDOT MOTOR VEHICLE DIVISION AND STAFF

2.1 History. The Motor Vehicle Division (MVD) is the former Motor Vehicle Commission. In 1991 the Motor Vehicle Commission was merged into TxDOT and became the Motor Vehicle Division. At that time the Commission became the Texas Motor Vehicle Board which made up of nine members appointed by the Governor for staggered six-year terms. In the 2005 legislative session, the Texas Motor Vehicle Board was dissolved and all functions of the board with the exception of rulemaking now resides with the Director of the MVD. The rulemaking function now resides with the Texas Transportation Commission.

2.2 The Staff. The Motor Vehicle Division staff consists of four sections under the direction of a single director who reports to the Texas Department of Transportation Executive Director. The four sections are Administration, Consumer Affairs, Licensing and Enforcement.

a. Administration. Administration supports the other sections with the functions of Human Resources, Purchasing and Accounting.

The Information Center is also under Administration. It is a group of trained individuals who respond to telephone inquiries and direct calls to other people if necessary. The Information Specialists are specially trained to answer all but the most complicated questions received by the division. In the first year of operation, the Information Center answered more than 100,000 calls.

The Administration Section reviews requests for off-site auto shows and exhibitions pursuant to the law, which requires franchised dealers to submit an application thirty (30) days in advance before removing vehicles from their lot to display at auto shows or other places. The requests for off-site shows and displays must be reviewed for conflicts before approval is given.

b. Consumer Affairs. Consumer Affairs administers the Texas Lemon Law. Should a consumer buy a new vehicle and experience ongoing repair problems, he or she may file a complaint with Consumer Affairs seeking repurchase, replacement or repair under the Lemon Law. This section has trained mechanics as case advisors who mediate between consumers and factory representatives. Failing mediation, one of the Lemon Law administrative law judges will travel to the consumer's locale to hold a hearing to determine if the vehicle qualifies for Lemon Law relief.

c. Licensing. The Licensing Section receives, reviews and processes new, renewal and amendment applications for licensees. Their job consists of making sure all new applicants meet the requirements for a license and that applicants for renewals are maintaining the requirements. The many different types of licenses

have different requirements and the licensing personnel assist applicants in understanding the distinctions and completing their applications. This section must also determine if any new franchised applicants are within the protest area of an existing dealership and notify all dealers who are eligible to protest a new dealership in this area.

There is also a small group known as Hearings that consists of four administrative law judges who hold hearings for enforcement cases and those cases involving disputes between manufacturers and dealers.

d. Enforcement. Enforcement consists of attorneys and investigators who investigate and prosecute violations of the code and rules. The Enforcement Section receives more than 5,000 complaints a year from consumers, government agencies, public companies and other licensees.